

ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

BARBARA A. WILHELM,
Plaintiff

v.

COMMONWEALTH OF PA.;
PENNSYLVANIA STATE POLICE;
COLONEL PAUL J. EVANKO,
COMMISSIONER; LIEUTENANT
COLONEL THOMAS K. COURY; and
CAPTAIN MICHAEL. D. SIMMERS,
Defendants

NO. 1:CV-01-1057

(JUDGE RAMBO)

FILED
HARRISBURG, PA

MAY 31 2002

MARY E. D'ANDREA, CLERK
Per [Signature]
Deputy Clerk

**JOINT MOTION TO CONTINUE THE TRIAL
AND THE REMAINING PRETRIAL DEADLINES
UNTIL THE MOTIONS FOR SUMMARY
JUDGMENT ARE DECIDED**

The parties hereby move the Court to continue the trial and the remaining pretrial deadlines in this matter until the pending motions for summary judgment are decided. In support of this motion the parties state as follows:

1. This action alleges sex discrimination and retaliation in connection with plaintiff's employment in the Legislative Affairs Office of the Pennsylvania State Police.

2. Plaintiff is Barbara A. Wilhelm.

3. Defendants are the Pennsylvania State Police, Commissioner Paul J. Evanko, former Lieutenant Colonel Thomas K. Coury and Captain Michael D.

Simmers.

4. Plaintiff contends that she suffered discrimination in her pay, she was not recommended for promotions based on her sex and that she was dismissed based on her sex.

5. Plaintiff also claims that the failure to recommend her for promotions and her dismissal were retaliation for her complaints about sex discrimination.

6. Plaintiff asserts claims under the Equal Pay Act of 1963, 29 U.S.C. §206(d), Title VII of the Civil Rights Act of 1964, *as amended*, 42 U.S.C. §2000e *et seq.*, the Pennsylvania Human Relations Act, Pa. Stat. Ann., tit. 43, §955 (Purdon's 1991) ("PHRA") and the state Whistleblower Law, Pa. Stat. Ann., tit. 43, §1421 *et seq.* (Purdon's 1991).

7. This case is currently on the Court's July trial list with numerous pretrial deadlines set in June.

8. The parties' motions in limine are due June 3, the pretrial conference of counsel should occur soon thereafter, pretrial memoranda are due June 19 and the pretrial conference is scheduled on June 26.

9. In mid-April the parties filed cross-motions for summary judgment.

10. The motions, if granted in any respect, would dispose of significant issues in the case and substantially affect the scope of matters to be tried.

11. Briefing on the motions was completed on May 22.

12. Counsel believe it would best serve the interests of their clients to delay final trial preparations until after the motions for summary judgment are decided.

13. In that way counsel can focus their efforts and their pretrial filings on the issues that will actually be tried.

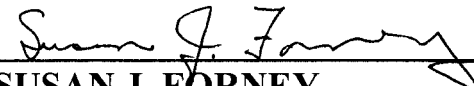
14. Counsel believe that under these circumstances continuing the trial will conserve their clients' resources and promote the interests of judicial economy.

WHEREFORE, the parties respectfully request the Court to continue the trial and the remaining pretrial deadlines until after the pending motions for summary judgment have been decided.

Respectfully submitted,

D. MICHAEL FISHER
Attorney General

BY:

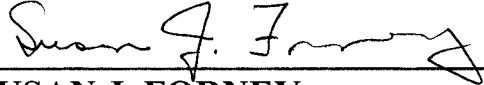

SUSAN J. FORNEY
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DATED: May 31, 2002

CERTIFICATE OF CONCURRENCE

I, Susan J. Forney, counsel for defendants, hereby certify that I discussed this motion with counsel for plaintiff, Nathan C. Pringle, and that he authorized me to file it on behalf of plaintiff.



SUSAN J. FORNEY
Chief Deputy Attorney General
I.D. No. 27744

DATE: May 31, 2002

